

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMILE PENN,

Plaintiff

v.

STATE OF NEVADA, et al.,

Defendants

Case No. 3:22-cv-00171-MMD-CLB

ORDER

I. DISCUSSION

On April 13, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an application to proceed *in forma pauperis* on a form from this Court, a complaint on a form for the Eighth Judicial District Court in Clark County, and proposed summons for the Eighth Judicial District Court in Clark County. (ECF Nos. 1, 1-1, 1-2). Plaintiff has not submitted a fully complete application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted a financial certificate or an inmate prison trust account statement for the previous six-month period to the Court. Accordingly, the Court denies

1 Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) without prejudice because
2 the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file
3 a fully complete application to proceed *in forma pauperis* containing all three of the
4 required documents. Plaintiff will file a fully complete application to proceed *in forma*
5 *pauperis* on or before **June 14, 2022**. Absent unusual circumstances, the Court will not
6 grant any further extensions of time.

7 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
8 with all three required documents on or before **June 14, 2022**, this case will be subject to
9 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is
10 able to acquire all three of the documents needed to file a fully complete application to
11 proceed *in forma pauperis*.

12 A dismissal without prejudice means Plaintiff does not give up the right to refile the
13 case with the Court, under a new case number, when Plaintiff has all three documents
14 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
15 may choose not to file an application to proceed *in forma pauperis* and instead pay the
16 full filing fee of \$402 on or before **June 14, 2022** to proceed with this case.

17 If Plaintiff mistakenly filed his application to proceed *in forma pauperis*, complaint,
18 and proposed summons in this Court and would rather initiate his case in the Eighth
19 Judicial District Court in Clark County, Nevada, Plaintiff may file a notice to voluntarily
20 dismiss his case from this Court.

21 **II. CONCLUSION**

22 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to
23 this Court on or before **June 14, 2022**.

24 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*
25 (ECF No. 1) is denied without prejudice to file a new fully complete application to proceed
26 *in forma pauperis* with all three documents.

27 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
28 approved form application to proceed *in forma pauperis* by an inmate, as well as the

1 document entitled information and instructions for filing an *in forma pauperis* application.

2 IT IS FURTHER ORDERED that on or before **June 14, 2022**, Plaintiff will either
3 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
4 administrative fee) or file with the Court:

5 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
6 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
7 signatures on page 3),

8 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
9 official (i.e. page 4 of this Court's approved form), and

10 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
11 **previous six-month period.**

12 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
13 application to proceed *in forma pauperis* with all three documents or pay the full \$402
14 filing fee for a civil action on or before **June 14, 2022**, this case will be subject to dismissal
15 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
16 when Plaintiff is able to file a complaint and has all three documents needed to file a
17 complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

18 DATED: April 15, 2022

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UNITED STATES MAGISTRATE JUDGE